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C O R R E C T E D C O P Y -- CORRECTED CAPTION

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SUBJECT: SERBIA: PROSPECTS FOR COMPLETION OF ICTY
COOPERATION

REF: A. A) BELGRADE 577
[B.](#) B) BELGRADE 718
[C.](#) C) IIR 6 904 0010 09
[D.](#) D) BELGRADE 616
[E.](#) E) BELGRADE 958

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Classified By: Deputy Chief of Mission Jennifer Brush for reasons
1.4 (b/d)

Summary

[11.](#) (C) The Serbian government's cooperation with the International Criminal Tribunal for the Former Yugoslavia has increased since parliamentary elections in May and took a dramatic step forward just after the July formation of the new government with the arrest of wartime Bosnian Serb political leader Radovan Karadzic. The new government, unhindered by uncooperative Democratic Party of Serbia officials in the Security Information Agency and the Interior Ministry, appears better able to investigate the fugitives' whereabouts and act on leads. Cross-border information sharing with NATO in Bosnia has also enhanced the government's capabilities. The new, pro-Western government, which ran on an EU integration platform, clearly has the will to fulfill Serbia's cooperation obligations. Political leaders are for the first time talking about the moral obligation to apprehend fugitives, not just the economic benefits of joining the EU. While technical cooperation, including providing wartime documents and finding witness, will continue until the Tribunal concludes its work, the government will need to make good on its promise to capture and extradite the remaining fugitives and close that chapter of its cooperation obligations once and for all. End Summary.

Government Cooperation Increased

[12.](#) (SBU) Following parliamentary elections in May, the Serbian government stepped up activity to locate and arrest the remaining four fugitives indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia (ICTY). The Serbian government arrested two of the remaining four ICTY fugitives, Karadzic advisor Stojan Zupljanin on June 11 (Ref A), as coalition negotiations were being finalized, and Karadzic himself on July 21, just two weeks after the formation of the new Democratic Party-led coalition government (Ref B). Karadzic's arrest fueled speculation that the new, European-oriented government would soon arrest Bosnian Serb wartime military leader Ratko Mladic, who is accused of master-minding and executing the mass execution of Bosnian Muslims during five years of war in Bosnia.

Observers had long thought that the arrests of Karadzic and Mladic, the best known of the remaining four indictees, would be the most difficult politically for the government given that many Serbs still deny that the atrocities for which they are accused took place.

¶3. (C) On October 8, the office of the War Crimes Prosecutor announced that it had summoned for questioning seven individuals suspected of helping hide Zupljanin. War Crimes Prosecutor spokesman Bruno Vekaric said the individuals were identified in a police investigation into Zupljanin's support network, which revealed links to the support networks of other ICTY fugitives, including Mladic and Karadzic. The investigation had already yielded 30 names, and the operation would continue for several more days, according to the statement. (Note: the War Crimes Court has its own police unit.) War Crimes Prosecutor Vladimir Vukcevic told us privately that the first interrogated suspect, former Vojvodina Executive Council President Koviljko Lovre, admitted to assisting Zupljanin.

New Government More Capable and Willing

¶4. (C) Observers have long speculated whether the previous government knew where Karadzic and Mladic were. Many believed that the previous government had enough information to locate the fugitives had it undertaken a vigorous investigation. Details that have been surfacing about the arrest of Karadzic suggest this may be true. B92 reported on September 29 that Security Information Agency (BIA) director Rade Bulatovic (DSS) had had information on Karadzic's whereabouts for months. Both Bulatovic and former DSS Prime Minister Kostunica publicly denied that they had known Karadzic's whereabouts. A close advisor of Deputy Prime Minister Ivica Dacic told us that Bulatovic had received the information six months before the new government formed but did not act on it, because of DSS Prime Minister Kostunica's

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ideological kinship with Karadzic and a lack of international pressure. When the government changed, Bulatovic had presented the information -- in exchange for the promise of an ambassadorship -- to Tadic and his National Security Advisor Miki Rakic, who then planned the arrest (Ref C). (Note: There are rumors that Bulatovic will be appointed as Ambassador to Syria.) National Council for Cooperation with the Hague Tribunal President Rasim Ljajic publicly affirmed that the government had begun developing information on Karadzic earlier -- but did not specify when -- and had arrested him when the security risk was lowest. Vukcevic told us the arrest had come after a month of tracking Karadzic's support network and that only three people in the country had known about the operation in advance, including himself, new BIA director Sasa Vukadinovic, and Rakic, who reportedly orchestrated the Zupljanin arrest as well (Ref D).

¶5. (S/NF) Whatever the truth about when the government became aware of Karadzic's whereabouts, several observers note that the absence of DSS from the current coalition is key to the renewed enthusiasm for capturing the fugitives. Humanitarian Law Center Director Natasa Kandic told us that with Kostunica gone, the DS now had the political will to complete ICTY cooperation. ICTY Belgrade chief Deyan Mihov told us that the atmosphere at BIA was completely different with Sasa Vukadinovic in charge; cooperation with ICTY Belgrade had improved markedly. Mihov said Bulatovic was evasive and "could sell you anything." Bulatovic had consistently avoided answering Mihov's questions about whether BIA had collected any DNA or fingerprints in its investigations of Karadzic's whereabouts. Our contacts with BIA have also improved since Vukadinovic took over; he welcomes visits from the Embassy's Special Assistant Office and has said he wants to be sure that Mladic is captured on Serbian soil to show that Serbia is a law-abiding country. President of the

Special War Crimes Court Judge Sinisa Vazic told us that previous Interior Minister Dragan Jocic (DSS) had politicized ICTY cooperation and had not operated transparently, hindering previous cases.

¶ 6. (SBU) Mihov told us he thought international pressure had in part been responsible for the government's recent actions, but that it was clearly willing and able to complete the arrests with continued encouragement. According to Mihov, President Tadic told ICTY Chief Prosecutor Serge Brammertz (Ref E) that he knew Serbia needed to bring Mladic in to lift Dutch opposition to Serbia's EU integration, but that Serbia would capture Hadzic as well because ICTY cooperation was both a moral and legal obligation. Mihov said Brammertz was cautiously optimistic that Serbia would capture Mladic within the next several months.

¶ 7. (SBU) Vukcevic's office told us it now had better information to conduct its investigations, thanks to ongoing meetings that began in June 2008 between the War Crimes Prosecution and NATO/U.S. Corp Bosnia, which post facilitated. Vukcevic said the information exchanged, particularly on the networks of supporters, enhanced Serbia's ability to search for ICTY fugitives.

Government's Message of Moral Responsibility

¶ 8. (SBU) In the months since Karadzic's arrest, President Tadic, Ljajic, Vukcevic, and other officials have made several public statements about the importance of capturing the remaining fugitives, not just for pragmatic reasons but also because of the need for reconciliation with the past. DS Vice President Dusan Petrovic assured us that the government placed importance on helping the public to understand and overcome the past and promote reconciliation.

¶ 9. (SBU) ICTY Coordination Council Director Dusan Ignjatovic informed us the government planned a series of public discussions to explain the events of the 1990s and the importance of ICTY's work. In cooperation with the OSCE and ICTY Belgrade, the ICTY Coordination Council held its first program on August 18 in the eastern Serbian town of Zajecar. Speakers from OSCE, ICTY, and the Coordination Council appeared on a local prime time television talk show and took calls from viewers. Ignjatovic said the government was considering expanding the program to other towns and eventually broadcasting the discussions on national broadcaster Radio-Television Serbia. He said that Serbian citizens would not experience any epiphanies in their understanding of the events of the 1990s but with careful messages would eventually come to terms with the past. Ignjatovic said this message was a tough sell with most Serbs, since the acquittals in 2008 of Bosniak commander

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Naser Oric, acquitted July 3 of murdering Serbian prisoners of war, and Kosovo Liberation Army commander Rasmush Haradinaj, acquitted April 3 of targeting and killing civilians, heightened a sense that ICTY was biased against Serbia.

¶ 10. (SBU) Mihov told us the challenge for the government would be to compete with sensationalist, nationalist coverage in the tabloids, which still had a chief role in forming popular opinion. Mihov said Tadic had confided to Brammertz that he felt the government had missed an opportunity to educate people about war crimes immediately after Karadzic's arrest when the tabloid press was consumed with sensationalizing details of Karadzic's false identity as a natural medicine guru. The government needed to show ICTY indictees as criminals, not heroes, Mihov said.

Beyond the Arrests

¶11. (SBU) The capture of the remaining indictees remains the most high profile aspect of ICTY cooperation, but there are other important elements to Serbia's ICTY cooperation, such as handing over documents to the prosecution and serving subpoenas to ICTY witnesses. Although these elements are not as high-profile, ICTY Belgrade's Mihov told us it was essential for Serbia to continue to cooperate in these areas in order to obtain a favorable report from Brammertz. Mihov said Serbia was mostly compliant with this technical cooperation. For the most part Serbia was complying with document requests, he said, although ICTY had had to go to court to obtain some national security-related documents. The government was still holding out on one document, but Mihov had high expectations of receiving it. Mihov said there were also some issues with locating witnesses but most were not contentious. He added that the ICTY had no complaints about how the government was handling allegations of witness intimidation. According to the war crimes prosecution's statement on the investigation into Zupljanin's network, one of the elements under investigation was witness intimidation.

¶12. (SBU) Serbia is also prosecuting a number of war crimes cases domestically. War Crimes Court President Judge Sinisa Vazic told us that cases in the war crimes special court were proceeding slowly, in large part due to space issues. Vazic said there was not enough space to handle the 11 ongoing war crimes trials and 25 ongoing investigations. (Note: The war crimes court, built with USG technical and financial support, has only three courtrooms equipped for multi-defendant trials and only two courtrooms for investigative interviews, and it shares this space with the Corruption Special Court. The courtrooms operate in two shifts, but each case can be heard only three to four days per month.) Vukcevic told us he was proud he had made significant progress in 2008 on several cases that had previously been moving slowly, including the Zvornik, Lovas, Bytyqi Brothers, Suva Reka, and Ovcara cases.

Comment

¶13. (S) We welcome the shift in the government's message that ICTY cooperation will not only bring economic rewards -- which opinion polls show to be the biggest concern of Serbian citizens -- but is also a moral obligation. The new government at least is talking about shared values with the West and being a good neighbor. Having gone to great lengths to demonstrate its will to capture and hand over the remaining fugitives, the Serbian government now needs to deliver. There is a window of opportunity of high expectations. If Serbia wishes to reap the rewards of European integration and truly move beyond its painful past, now is the time to make the final push in seeking out and capturing these fugitives. Whether for pragmatic or more elevated reasons, we now believe the government will do its utmost to bring in Mladic and Hadzic. End Comment.

MUNTER